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8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **PHYSICIAN ASSISTANT BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 NANCY LORENA SANCHEZ

15 1208 Whittier Avenue
Brea, California 92821-1942

16 Physician's Assistant License No. PA 20763,

17 Respondent.

Case No. 950-2016-000869

18 **DEFAULT DECISION**
19 **AND ORDER**

[Gov. Code §11520]

20 **FINDINGS OF FACT**

21 1. On October 25, 2018, Maureen L. Forsyth (Complainant), in her official capacity as
the Executive Officer of the Physician Assistant Board (Board), filed Accusation No. 950-2016-
22 000869 against Nancy Lorena Sanchez (Respondent).

23 2. On January 11, 2010, the Board issued Physician's Assistant License No. PA 20763
24 to Respondent. That license is delinquent and expired as of July 31, 2017, and has not been
25 renewed. (A certified copy of Respondent's Certificate of Licensure is attached as **Exhibit A** to
26 the accompanying Default Decision Evidence Packet¹ (Evidence Packet).

27
28 ¹ All exhibits, which are true and correct copies of the originals, are attached to the
accompanying Default Decision Evidence Packet ("Evidence Packet"). The Evidence Packet and
each of its components are hereby incorporated by reference, as if fully set forth herein.

1 3. On October 25, 2018, Sara Pasion, an employee of the Board, served a copy of the
2 Accusation No. 950-2016-000869, Statement to Respondent, Notice of Defense (two copies),
3 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 by first-
4 class mail and certified mail No. 7016 3010 0000 5711 1146, on Respondent's address of record
5 with the Board as of August 6, 2015, which was and is 1208 Whittier Avenue, Brea, California
6 92821-1942. (See **Exhibit A**; The Accusation, related documents, and Declaration of Service are
7 attached as **Exhibit B**.)

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c).

10 5. On or about November 9, 2018, the aforementioned documents served by certified
11 mail No. 7016 3010 0000 5711 1146, were returned by the U.S. Postal Service marked "Return to
12 Sender Unable to Forward." (A copy of the certified mail envelope returned by the Postal Service
13 is attached as **Exhibit C** to the Evidence Packet.)

14 6. Business and Professions Code section 118 states, in pertinent part:

15 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
16 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
17 order of a court of law, or its surrender without the written consent of the board, shall not, during
18 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
19 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
20 provided by law or to enter an order suspending or revoking the license or otherwise taking
21 disciplinary action against the license on any such ground."

22 7. Government Code section 11506 states, in pertinent part:

23 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
24 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
25 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
26 right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

27 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
28 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 950-

1 2016-000869.

2 9. California Government Code section 11520 states, in pertinent part:

3 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
4 agency may take action based upon the respondent's express admissions or upon other evidence
5 and affidavits may be used as evidence without any notice to respondent."

6 10. On March 3, 2016, Respondent was admitted to St. Francis Medical Center for a 72-
7 hour hold pursuant to section 5150 of the Welfare and Institutions Code. During the course of
8 evaluation and treatment at St. Francis Medical Center, Respondent was found to be a danger to
9 others and gravely disabled as a result of a mental disorder to the extent that she was unable to
10 provide for her basic personal needs. Respondent was diagnosed with bipolar disorder, manic
11 episode with psychotic features. It was further noted that Respondent's laboratory results
12 confirmed the use of methamphetamine despite her assertions that she did not use drugs.
13 Respondent disclosed that she had not been taking her medication and she was ultimately released
14 after a two-week period. (See **Exhibit E**, Los Angeles Sheriff's Department Incident Report 016-
15 03322-2178-461.)

16 11. On March 22, 2016, Respondent was contacted by Los Angeles County Sheriff's
17 Department (LACSD) officers after receiving a complaint of indecent exposure. Respondent was
18 wearing only a bra and towel around her body when contacted by the LACSD officers. The
19 officers observed signs of Respondent being under the influence of a central nervous system
20 stimulant. She was arrested for violating section 11550, subdivision (a) of the Health and Safety
21 Code, a misdemeanor. (See **Exhibit F**, LACSD Incident Report 916-007343-2178-183.)

22 12. On March 24, 2016, Respondent unlawfully and maliciously damaged and destroyed
23 real and personal property, specifically a door and door frames, belonging to the residence of
24 A.G.,² the amount of damage or destruction totaling over \$400, in Los Angeles County. (See
25 **Exhibit G** in the Evidence Packet, Certified copy of LACSD Incident Report No. 916-04466-
26 2178-263.) The circumstances are as follows:

27 A. On March 24, 2016, law enforcement officers with the LACSD were dispatched to a
28

² The crime victim is referred to by her initials in order to protect her privacy.

1 trespassing complaint at a residence located at 2545 Grand Avenue, Huntington Park, California
2 90255. The officers contacted Victim A.G. and learned that she had arrived home at
3 approximately 6:00 a.m. to find trash on the side of her home. As she approached the front door
4 of her residence, A.G. observed that her front door had been kicked in and that the glass had been
5 shattered. After walking in to her living room, A.G. saw Respondent standing inside and moving
6 her belongings inside the residence. A.G. told Respondent to leave. However, Respondent
7 replied "no" and told A.G. to leave instead. A.G. left the residence and called law enforcement.
8 Later, A.G. discovered that the back door to her home was damaged by Respondent as well.

9 B. The LACSD officers next spoke with Respondent, who admitted to kicking in the
10 front door to the residence and moving her personal belongings into the home. Respondent told
11 the LACSD officers that she was homeless and that she needed a place to stay. Respondent was
12 arrested for vandalism and transported to the Century Sheriff Station.

13 9. On March 28, 2016, in the case entitled *The People of the State of California vs.*
14 *Nancy Sanchez*, Superior Court of California, County of Los Angeles, Case No. 6DN02142,
15 Respondent, upon her plea of nolo contendere, was convicted of vandalism, a misdemeanor, in
16 violation of Penal Code section 594, subdivision (a). Respondent was placed on three years of
17 summary probation, ordered to pay restitution to the victim and to stay away from the victim's
18 property, awarded credit for nine days already served in custody, and required to comply with all
19 standard terms and conditions of probation. (See **Exhibit H**, Certified copy of Misdemeanor
20 Complaint, Case No. 6DN02142, and Criminal Docket.)

21 13. On April 13, 2016, Respondent was again taken to St. Francis Medical Center and
22 later admitted to Exodus Recovery Medical Center for a 72-hour hold pursuant to section 5150 of
23 the Welfare and Institutions Code. She had been running in and out of traffic causing several
24 vehicles to stop abruptly to avoid hitting her. Respondent was unable to answer questions when
25 contacted by the LACSD officers. Respondent stated that she is bipolar and had not been taking
26 her medication for the past several days. (See **Exhibit I**, LACSD Incident Report 016-05651-
27 2178-461.)

28 14. On May 18, 2016, Respondent unlawfully possessed methamphetamine in Los

1 Angeles County. When contacted by law enforcement officers with the LACSD, Respondent
2 admitted to possessing a white crystal-like substance in her coin purse. Moreover, Respondent
3 stated that she had a problem with “meth” and had been using the substance for approximately
4 two years. Respondent was arrested for violating section 11377 of the Health and Safety Code.
5 (See **Exhibit J**, Los Angeles Sheriff’s Department Report 916-07556-2173-185.)

6 15. On September 15, 2017, Respondent unlawfully used and was under the influence of
7 methamphetamine in Los Angeles County. Respondent was arrested and charged with violating
8 section 11550, subdivision (a), of the Health and Safety Code, a misdemeanor. (See **Exhibit K**,
9 Certified copy of Misdemeanor Complaint, Case No. 7DN08452, and Criminal Docket.)

10 16. On May 14, 2018, in the case entitled *The People of the State of California vs. Nancy*
11 *Sanchez*, Superior Court of California, County of Los Angeles, Case No. 7DN08452, Respondent
12 was placed into a twelve-month diversion program with a requirement that she attend 26
13 Narcotics Anonymous meetings during the diversion period. (**Exhibit K**.)

14 17. Respondent has been previously disciplined. On March 7, 2014, in a prior action, the
15 Board issued Citation No. 13-14 to Respondent for unprofessional conduct based upon her failure
16 to provide documents to the Board after multiple requests and failing to cooperate with the Board,
17 pursuant to California Code of Regulations, title 16, section 1399.521.5, subdivisions (b) and (d).
18 Respondent was assessed a fine in the amount of \$250.00. That Citation is now final and is
19 incorporated by reference as if fully set forth. (See **Exhibit L**, Citation No. 13-14.)

20 18. The costs of investigation and enforcement of the case prayed for in the Accusation
21 total \$10,163.80, based on the attached Certificate of Costs Declaration. (See **Exhibit M**,
22 Declaration of Colleen M. McGurrin.)

23 **DETERMINATION OF ISSUES**

24 1. Based on the foregoing findings of fact, Respondent Nancy Lorena Sanchez, P.A.,
25 has subjected her Physician Assistant License PA 29763 to discipline.

26 2. A copy of Accusation No. 950-2016-000869, and related documents and the
27 declaration of proof of service are attached to the Evidence Packet as Exhibit B.

28 3. The agency has jurisdiction to adjudicate this case by default.

1 4. The Physician Assistant Board is authorized to revoke Respondent's license based
2 upon the following violations alleged in Accusation No. 950-2016-000869:

3 A. Respondent is subject to disciplinary action under sections 820 and 822 of the
4 Code in that she currently suffers from a mental and/or physical ailment that inhibits her
5 competency to safely practice as a physician assistant, as set forth in the First Cause for
6 Discipline.

7 B. Respondent is subject to disciplinary action under section 3527, subdivision (a),
8 section 3531, and section 490 of the Code, as well as California Code of Regulations, title 16,
9 section 1399.525, in that she has been convicted of a crime substantially related to the
10 qualifications, functions, or duties of a physician assistant, as set forth in the Second Cause for
11 Discipline.

12 C. Respondent is subject to disciplinary action under section 3527, subdivision (a),
13 and section 2239 of the Code, as well as California Code of Regulations, title 16, section
14 1399.521, in that she used a dangerous drug as specified in section 4022 of the Code, as set forth
15 in the Third Cause for Discipline.

16 D. Respondent is subject to disciplinary action under section 3527, subdivision (a),
17 and section 2238 of the Code, as well as California Code of Regulations, title 16, section
18 1399.521, in that she violated Federal and State drug statutes by possessing and using a dangerous
19 drug as specified in section 4022 of the Code, as set forth in the Fourth Cause for Discipline.¹

20 **ORDER**

21 **IT IS ORDERED THAT** Physician's Assistant License No. PA 20763, heretofore issued
22 to Respondent Nancy Lorena Sanchez, is revoked.

23 If Respondent ever files an application for relicensure in the State of California, the Board
24 shall treat it as a petition for reinstatement of a revoked license. Respondent must comply with
25 all the laws, regulations and procedures for reinstatement of a revoked license at the time that the
26 application for relicensure or petition for reinstatement is filed.

27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a

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¹ The Accusation erroneously refers to this charge, starting on line 21 of page 11 of the
Accusation as the Third Cause for Discipline.

1 written motion requesting that the Decision be vacated and stating the grounds relied on within
2 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
3 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

4 This Decision shall become effective on April 5, 2019.

5 IT IS SO ORDERED March 8, 2019

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8 FOR THE PHYSICIAN ASSISTANT BOARD
9 DEPARTMENT OF CONSUMER AFFAIRS
10 MAUREEN L. FORSYTH
11 EXECUTIVE OFFICER

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct. 25 2018
BY Quia Penon ANALYST

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2016-000869

13 NANCY LORENA SANCHEZ, P.A.
1208 Whittier Avenue
Brea, California 92821-1942

A C C U S A T I O N

14 Physician Assistant License No. PA 20763,
15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Maureen L. Forsyth (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer
21 Affairs (Board).

22 2. On or about January 11, 2010, the Board issued Physician Assistant License No.
23 20763 to Nancy Lorena Sanchez, P.A. (Respondent). That license expired on July 31, 2017, and
24 has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 3504.1 of the Code states:

2 “Protection of the public shall be the highest priority for the Physician Assistant Board in
3 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the
4 public is inconsistent with other interests sought to be promoted, the protection of the public shall
5 be paramount.”

6 5. Section 3527 of the Code states:

7 “(a) The board may order the denial of an application for, or the issuance subject to terms
8 and conditions of, or the suspension or revocation of, or the imposition of probationary conditions
9 upon a physician assistant license after a hearing as required in Section 3528 for unprofessional
10 conduct which includes, but is not limited to, a violation of this chapter, a violation of the
11 Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board
12 of California.

13 “... ”

14 “(f) The board may order the licensee to pay the costs of monitoring the probationary
15 conditions imposed on the license.

16 “(g) The expiration, cancellation, forfeiture, or suspension of a physician assistant license
17 by operation of law or by order or decision of the board or a court of law, the placement of a
18 license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive
19 the board of jurisdiction to commence or proceed with any investigation of, or action or
20 disciplinary proceeding against, the licensee or to render a decision suspending or revoking the
21 license.”

22 6. Section 3528 of the Code states:

23 “Any proceedings involving the denial, suspension or revocation of the application for
24 licensure or the license of a physician assistant, the application for approval or the approval of a
25 supervising physician, or the application for approval or the approval of an approved program
26 under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section
27 11500) of Part 1 of Division 3 of Title 2 of the Government Code.”

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1 7. Section 3531 of the Code states:

2 “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
3 charge of a felony or of any offense which is substantially related to the qualifications, functions,
4 or duties of the business or profession to which the license was issued is deemed to be a
5 conviction within the meaning of this chapter. The board may order the license suspended or
6 revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment
7 of conviction has been affirmed on appeal or when an order granting probation is made
8 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
9 Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter
10 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information
11 or indictment.”

12 “ . . . ”

13 8. Section 490 of the Code states:

14 “(a) In addition to any other action that a board is permitted to take against a licensee, a
15 board may suspend or revoke a license on the ground that the licensee has been convicted of a
16 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
17 or profession for which the license was issued.

18 “(b) Notwithstanding any other provision of law, a board may exercise any authority to
19 discipline a licensee for conviction of a crime that is independent of the authority granted under
20 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
21 of the business or profession for which the licensee’s license was issued.

22 “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
23 conviction following a plea of nolo contendere. Any action that a board is permitted to take
24 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
25 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
26 made suspending the imposition of sentence, irrespective of a subsequent order under the
27 provisions of Section 1203.4 of the Penal Code.

28 ///

1 “(d) The Legislature hereby finds and declares that the application of this section has been
2 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th
3 554, and that the holding in that case has placed a significant number of statutes and regulations
4 in question, resulting in potential harm to the consumers of California from licensees who have
5 been convicted of crimes. Therefore, the Legislature finds and declares that this section
6 establishes an independent basis for a board to impose discipline upon a licensee, and that the
7 amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change
8 to, but rather are declaratory of, existing law.”

9 9. Section 493 of the Code states:

10 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
11 the department pursuant to law to deny an application for a license or to suspend or revoke a
12 license or otherwise take disciplinary action against a person who holds a license, upon the
13 ground that the applicant or the licensee has been convicted of a crime substantially related to the
14 qualifications, functions, and duties of the licensee in question, the record of conviction of the
15 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
16 and the board may inquire into the circumstances surrounding the commission of the crime in
17 order to fix the degree of discipline or to determine if the conviction is substantially related to the
18 qualifications, functions, and duties of the licensee in question.

19 “...”

20 10. Section 2238 of the Code states:

21 “A violation of any federal statute or federal regulation or any of the statutes or regulations
22 of this state regulating dangerous drugs or controlled substances constitutes unprofessional
23 conduct.”

24 11. Section 2239 of the Code states:

25 “(a) The use or prescribing for or administering to himself or herself, of any controlled
26 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
27 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
28 any other person or to the public, or to the extent that such use impairs the ability of the licensee

1 to practice medicine safely or more than one misdemeanor or any felony involving the use,
2 consumption, or self-administration of any of the substances referred to in this section, or any
3 combination thereof, constitutes unprofessional conduct. The record of the conviction is
4 conclusive evidence of such unprofessional conduct.

5 12. Section 820 of the Code states:

6 "Whenever it appears that any person holding a license, certificate or permit under this
7 division or under any initiative act referred to in this division may be unable to practice his or her
8 profession safely because the licentiate's ability to practice is impaired due to mental illness, or
9 physical illness affecting competency, the licensing agency may order the licentiate to be
10 examined by one or more physicians and surgeons or psychologists designated by the agency.
11 The report of the examiners shall be made available to the licentiate and may be received as direct
12 evidence in proceedings conducted pursuant to Section 822."

13 13. Section 822 of the Code states:

14 "If a licensing agency determines that its licentiate's ability to practice his or her
15 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
16 competency, the licensing agency may take action by any one of the following methods:

17 "(a) Revoking the licentiate's certificate or license.

18 "(b) Suspending the licentiate's right to practice.

19 "(c) Placing the licentiate on probation.

20 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
21 discretion deems proper.

22 "The licensing section shall not reinstate a revoked or suspended certificate or license until
23 it has received competent evidence of the absence or control of the condition which caused its
24 action and until it is satisfied that with due regard for the public health and safety the person's
25 right to practice his or her profession may be safely reinstated."

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1 14. California Code of Regulations, title 16, section 1399.521 states:

2 "In addition to the grounds set forth in section 3527, subdivision (a), of the Code, the board
3 may deny, issue subject to terms and conditions, suspend, revoke or place on probation a
4 physician assistant for the following causes:

5 "(a) Any violation of the State Medical Practice Act which would constitute unprofessional
6 conduct for a physician and surgeon.

7 "..."

8 15. California Code of Regulations, title 16, section 1399.525, states:

9 "For the purposes of the denial, suspension or revocation of a license or approval pursuant
10 to division 1.5 (commencing with section 475) of the code, a crime or act shall be considered to
11 be substantially related to the qualifications, functions or duties of a person holding a license
12 under the Physician Assistant Practice Act if to a substantial degree it evidences present or
13 potential unfitness of a person holding such a license to perform the functions authorized by the
14 license or approval in a manner consistent with the public health, safety or welfare. Such crimes
15 or acts shall include, but are not limited to, the following:

16 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
17 violation of, or conspiring to violate any provision or term of the Medical Practice Act.

18 "(b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
19 violation of, or conspiring to violate any provision or term of the Physician Assistant Practice
20 Act.

21 "..."

22 **CALIFORNIA PENAL CODE**

23 16. Section 594 of the Penal Code states:

24 "(a) Every person who maliciously commits any of the following acts with respect to any
25 real or personal property not his or her own, in cases other than those specified by law, is guilty of
26 vandalism:

27 "(1) Defaces with graffiti or other inscribed material.

28 "(2) Damages.

1 “(3) Destroys.

2 “...”

3 **COST RECOVERY**

4 17. Section 125.3 of the Code states:

5 “(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
6 proceeding before any board within the department or before the Osteopathic Medical Board,
7 upon request of the entity bringing the proceedings, the administrative law judge may direct a
8 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
9 to exceed the reasonable costs of the investigation and enforcement of the case.

10 “...”

11 “(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs
12 are not available, signed by the entity bringing the proceeding or its designated representative
13 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case.
14 The costs shall include the amount of investigative and enforcement costs up to the date of the
15 hearing, including, but not limited to, charges imposed by the Attorney General.

16 “(d) The administrative law judge shall make a proposed finding of the amount of
17 reasonable costs of investigation and prosecution of the case when requested pursuant to
18 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
19 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost
20 award, or remand to the administrative law judge if the proposed decision fails to make a finding
21 on costs requested pursuant to subdivision (a).

22 “(e) If an order for recovery of costs is made and timely payment is not made as directed in
23 the board’s decision, the board may enforce the order for repayment in any appropriate court.
24 This right of enforcement shall be in addition to any other rights the board may have as to any
25 licentiate to pay costs.

26 “(f) In any action for recovery of costs, proof of the board’s decision shall be conclusive
27 proof of the validity of the order of payment and the terms for payment.

28 ///

1 “(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the
2 license of any licentiate who has failed to pay all of the costs ordered under this section.

3 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or
4 reinstate for a maximum of one year the license of any licentiate who demonstrates financial
5 hardship and who enters into a formal agreement with the board to reimburse the board within
6 that one-year period for the unpaid costs.

7 “(h) All costs recovered under this section shall be considered a reimbursement for costs
8 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
9 appropriation by the Legislature.

10 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
11 of investigation and enforcement of a case in any stipulated settlement.

12 “(j) This section does not apply to any board if a specific statutory provision in that board’s
13 licensing act provides for recovery of costs in an administrative disciplinary proceeding.

14 “...”

15 FACTUAL SUMMARY

16 18. On March 3, 2016, Respondent was admitted to St. Francis Medical Center for a 72-
17 hour hold pursuant to Section 5150 of the Welfare and Institutions Code. During the course of
18 evaluation and treatment at St. Francis Medical Center, Respondent was found to be a danger to
19 others and gravely disabled as a result of a mental disorder to the extent that she was unable to
20 provide for her basic personal needs. Respondent was diagnosed with bipolar disorder, manic
21 episode with psychotic features. It was further noted that Respondent’s laboratory results
22 confirmed the use of methamphetamine despite her assertions that she did not use drugs.
23 Respondent disclosed that she had not been taking her medication and she was ultimately released
24 after a two-week period.

25 19. On March 22, 2016, Respondent was contacted by law enforcement officers with the
26 Los Angeles County Sheriff’s Department (LACSD) after receiving a complaint of indecent
27 exposure. Respondent was wearing only a bra and towel around her body when contacted by the
28 LACSD officers. The officers observed signs of Respondent being under the influence of a

1 central nervous system stimulant. She was arrested for violating Section 11550, subdivision (a)
2 of the Health and Safety Code, a misdemeanor.

3 20. On March 24, 2016, Respondent unlawfully and maliciously damaged and destroyed
4 real and personal property, specifically a door and door frames, belonging to the residence of
5 A.G.,¹ the amount of damage or destruction totaling over \$400.00, in Los Angeles County. The
6 circumstances are as follows:

7 A. On March 24, 2016, law enforcement officers with the LACSD were dispatched to a
8 trespassing complaint at the following residence: 2545 Grand Avenue, Huntington Park,
9 California 90255. The LACSD officers contacted A.G. and learned that she had arrived home at
10 approximately 6:00 a.m. to find trash on the side of her home. As she approached the front door
11 of her residence, A.G. observed that her front door had been kicked in and that the glass had been
12 shattered. After walking in to her living room, A.G. saw Respondent standing inside and moving
13 her belongings inside the residence. A.G. told Respondent to leave. However, Respondent
14 replied "no" and told A.G. to leave instead. A.G. left the residence and called law enforcement.
15 Later, A.G. discovered that the back door to her home was damaged by Respondent as well.

16 B. The LACSD officers next spoke with Respondent, who admitted to kicking in the
17 front door to the residence and moving her personal belongings into the home. Respondent told
18 the LACSD officers that she was homeless and that she needed a place to stay. Respondent was
19 arrested for vandalism and transported to the Century Sheriff Station.

20 21. On March 28, 2016, in the case entitled *The People of the State of California vs.*
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22 Respondent, upon her plea of nolo contendere, was convicted of vandalism, a misdemeanor, in
23 violation of Penal Code section 594, subdivision (a). Respondent was placed on three years of
24 summary probation, ordered to pay restitution to the victim and stay away from the victim's
25 property, awarded credit for nine days already served in custody, and required to comply with all
26 standard terms and conditions of probation.

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28 ¹ The crime victim is referred to by her initials in order to protect her privacy.

1 22. On April 13, 2016, Respondent was again taken to St. Francis Medical Center and
2 later admitted to Exodus Recovery Medical Center for a 72-hour hold pursuant to Section 5150 of
3 the Welfare and Institutions Code. She had been running in and out of traffic causing several
4 vehicles to stop abruptly to avoid hitting her. Respondent was unable to answer questions when
5 contacted by the LACSD officers. Respondent stated that she is bipolar and had not been taking
6 her medication for the past several days.

7 23. On May 18, 2016, Respondent unlawfully possessed methamphetamine in Los
8 Angeles County. When contacted by law enforcement officers with the LACSD, Respondent
9 admitted to possessing a white crystal-like substance in her coin purse. Moreover, Respondent
10 stated that she had a problem with "meth" and had been using the substance for approximately
11 two years. Respondent was arrested for violating Section 11377 of the Health and Safety Code.

12 24. On or about September 15, 2017, Respondent unlawfully used and was under the
13 influence of methamphetamine in Los Angeles County. Respondent was arrested and charged
14 with violating Section 11550, subdivision (a), of the Health and Safety Code, a misdemeanor.

15 25. On May 14, 2018, in the case entitled *The People of the State of California vs. Nancy*
16 *Sanchez*, Superior Court of California, County of Los Angeles, Case No. 7DN08452, Respondent
17 was placed into a twelve-month diversion program with a requirement that she attend 26
18 Narcotics Anonymous meetings during the diversion period.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Inability to Safely Practice Medicine)**

21 26. By reason of the facts set forth in paragraphs 18 through 25 above, Respondent is
22 subject to disciplinary action under Sections 820 and 822 of the Code in that Respondent
23 currently suffers from a mental and/or physical ailment that inhibits her competency to safely
24 practice as a physician assistant.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Conviction of a Substantially Related Crime)**

27 27. By reason of the facts set forth in paragraphs 20 and 21 above, Respondent is subject
28 to disciplinary action under Section 3527, subdivision (a), Section 3531, and Section 490 of the

1 Code, as well as California Code of Regulations, title 16, section 1399.525, in that Respondent
2 has been convicted of a crime substantially related to the qualifications, functions, or duties of a
3 physician assistant.

4 28. Respondent's acts and/or omissions as set forth in paragraphs 20 and 21 above,
5 whether proven individually, jointly, or in any combination thereof, constitute the conviction of
6 crime substantially related to the qualifications, function or duties of a physician assistant,
7 pursuant to Section 3527, subdivision (a), Section 3531, and Section 490 of the Code, as well as
8 California Code of Regulations, title 16, section 1399.525.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct - Use of Dangerous Drugs)**

11 29. By reason of the facts set forth in paragraphs 19, 24 and 25 above, Respondent is
12 subject to disciplinary action under Section 3527, subdivision (a), and Section 2239 of the Code,
13 as well as California Code of Regulations, title 16, section 1399.521, in that Respondent has
14 engaged in unprofessional conduct by using a dangerous drug as specified in Section 4022 of the
15 Code.

16 30. Respondent's acts and/or omissions as set forth in paragraphs 19, 24 and 25 above,
17 whether proven individually, jointly, or in any combination thereof, constitutes unprofessional
18 conduct based upon the use of a dangerous drug as specified in Section 4022 of the Code,
19 pursuant to Section 3527, subdivision (a), and Section 2239 of the Code, as well as California
20 Code of Regulations, title 16, section 1399.521.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Violation of Federal or State Drug Statutes/Regulations)**

23 31. By reason of the facts set forth in paragraphs 19 and 23 through 25 above,
24 Respondent is subject to disciplinary action under Section 3527, subdivision (a), and Section
25 2238 of the Code, as well as California Code of Regulations, title 16, section 1399.521, in that
26 Respondent has engaged in unprofessional conduct by using a dangerous drug as specified in
27 Section 4022 of the Code.

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32. Respondent's acts and/or omissions as set forth in paragraphs 19 and 23 through 25 above, whether proven individually, jointly, or in any combination thereof, constitutes unprofessional conduct based upon the use of a dangerous drug as specified in Section 4022 of the Code, pursuant to Section 3527, subdivision (a), and Section 2238 of the Code, as well as California Code of Regulations, title 16, section 1399.521.

DISCIPLINE CONSIDERATIONS


33. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about March 7, 2014, in a prior action, the Physician Assistant Board issued Citation No. 13-14 to Respondent for unprofessional conduct based upon her failure to provide documents to the Board after multiple requests and failing to cooperate with the Board, pursuant to California Code of Regulations, title 16, Section 1399.521.5, subdivisions (b) and (d). Respondent was assessed a fine in the amount of \$250.00. That Citation is now final and is incorporated by reference as if fully set forth.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board issue a decision:

1. Revoking or suspending Physician Assistant License No. 20763 issued to Nancy Lorena Sanchez, P.A.;
2. Ordering her to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Ordering Nancy Lorena Sanchez, P.A., if placed on probation, to pay the Board the costs of probation monitoring; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: October 25, 2018


MAUREEN L. FORSYTH
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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